

AMENDED IN ASSEMBLY APRIL 9, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2058**

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**Introduced by Assembly Member Wilk**  
*(Coauthors: Assembly Members Hagman and Harkey)*  
*(Coauthor: Senator DeSaulnier)*  
*(Coauthors: Senators DeSaulnier, Gaines, and Vidak)*

February 20, 2014

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An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2058, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in any meeting of a state body, subject to certain conditions and exceptions.

This bill would modify the definition of "state body" to exclude an advisory body with less than 3 individuals, except for certain standing committees. ~~This bill would also make legislative findings and declarations in this regard.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. The Legislature finds and declares all of the following:~~

~~(a) The unpublished decision of the Third District Court of Appeals in *Funeral Security Plans v. State Board of Funeral Directors* (1994) 28 Cal. App.4th 1470 is an accurate reflection of legislative intent with respect to the applicability of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) (Bagley-Keene Act) to a two-member standing advisory committee of a state body. A two-member standing committee of a state body, even if operating solely in an advisory capacity, already is a “state body,” as defined in subdivision (d) of Section 11121 of the Government Code, irrespective of its size, if a member of the state body sits on the committee and the committee receives funds from the state body. For this type of two-member standing advisory committee, this bill is declaratory of existing law.~~

~~(b) A two-member standing committee of a state body, even if operating solely in an advisory capacity, already is a “state body,” as defined in subdivision (b) of Section 11121 of the Government Code, irrespective of its composition, if it exercises any authority of a state body delegated to it by that state body. For this type of two-member standing advisory committee, this bill is declaratory of existing law.~~

~~(c) All two-member standing advisory committees of a local body are subject to open meeting requirements under the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) (Brown Act). It is the intent of the Legislature in this act to reconcile language in the Brown Act and Bagley-Keene Act with respect to all two-member standing advisory committees, including, but not limited to, those described in subdivisions (a) and (b).~~

~~SEC. 2.~~

~~SECTION 1.~~ Section 11121 of the Government Code is amended to read:

~~11121. As used in this article, “state body” means each of the following:~~

~~(a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to~~

1 conduct official meetings and every commission created by  
2 executive order.

3 (b) A board, commission, committee, or similar multimember  
4 body that exercises any authority of a state body delegated to it by  
5 that state body.

6 (c) An advisory board, advisory commission, advisory  
7 committee, advisory subcommittee, or similar multimember  
8 advisory body of a state body, if created by formal action of the  
9 state body or of any member of the state body. ~~Advisory bodies~~  
10 *An advisory body* created to consist of fewer than three individuals  
11 ~~are~~ *is* not a state body, except that ~~a standing committees committee~~  
12 of a state body, irrespective of ~~their~~ *its* composition, which ~~have~~  
13 *has* a continuing subject matter jurisdiction, or a meeting schedule  
14 fixed by resolution, policies, bylaws, or formal action of a state  
15 body ~~are~~ *is a state bodies body* for the purposes of this chapter.

16 (d) A board, commission, committee, or similar multimember  
17 body on which a member of a body that is a state body pursuant  
18 to this section serves in his or her official capacity as a  
19 representative of that state body and that is supported, in whole or  
20 in part, by funds provided by the state body, whether the  
21 multimember body is organized and operated by the state body or  
22 by a private corporation.

23 ~~SEC. 3.~~

24 *SEC. 2.* This act is an urgency statute necessary for the  
25 immediate preservation of the public peace, health, or safety within  
26 the meaning of Article IV of the Constitution and shall go into  
27 immediate effect. The facts constituting the necessity are:

28 In order to avoid unnecessary litigation and ensure the people's  
29 right to access of the meetings of public bodies pursuant to Section  
30 3 of Article 1 of the California Constitution, it is necessary that  
31 act take effect immediately.